

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of )

PUBLIC UTILITIES COMMISSION )

Instituting a Proceeding to Investigate )  
the Implementation of Feed-in Tariffs )  
\_\_\_\_\_ )

DOCKET NO. 2008-0273

MOTION FOR INTERVENTION OF  
CLEAN ENERGY MAUI LLC

AND

CERTIFICATE OF SERVICE

CHRIS MENTZEL  
Chief Executive Officer  
Clean Energy Maui LLC  
619 Kupulau Dr.  
Kihei, Hawaii 96753  
Telephone: (808) 214-7678

PUBLIC UTILITIES  
COMMISSION

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**MOTION FOR INTERVENTION OF  
CLEAN ENERGY MAUI LLC**

CLEAN ENERGY MAUI LLC (the "Applicant"), hereby moves for intervention in Docket No. 2008-0273, in the matter of Public Utilities Commission (the "Commission") instituting a proceeding to investigate the implementation of feed-in tariffs. No hearing is requested on this motion.

In support of its motion, Applicant states as follows:

1. **APPLICANT**

Applicant's legal name and business address are as follows:

Clean Energy Maui LLC  
619 Kupulau Dr.  
Kihei, Hawaii 96753

Applicant is a limited liability company organized under the laws of the state of Hawaii.

2. **CORRESPONDENCE AND/OR COMMUNICATIONS**

All correspondence and/or communications concerning this motion are to be addressed to:

Chris Mentzel  
Chief Executive Officer  
Clean Energy Maui LLC  
619 Kupulau Dr.  
Kihei, Hawaii 96753  
(808) 214-7678

3. **COMPLIANCE WITH APPLICABLE RULES.**

Applicant represents and asserts that it meets the requirements for intervention, consistent with the Rules of Practice and Procedure before the Public Utilities Commission (the "PUC Rules"), as contained in Title 6, Chapter 61, Subchapter 4, of the Hawaii Administrative Rules ("HAR"), as follows:

(1) **The Nature of the Applicant's Statutory or Other Right to Participate in the Hearing**

In its Order filed October 24, 2008 in this proceeding, the Commission states that, "Any interested individual, entity, agency, or community or business organization may file a motion to intervene ... in this docket. Motions to intervene ... must comply with all applicable rules of HAR Chapter 6-61." Applicant is a business entity interested in the subject matter of the subject matter of this proceeding. Applicant has a right to intervene as a party and to participate in the hearing in this proceeding because Applicant meets the requirements for intervention set forth under HAR § 6-61-55, as shown herein.

**(2) The Nature and Extent of the Applicant's Property, Financial, and Other Interest in the Pending Matter**

Applicant is a consultant to developers of both small-scale (100 kilowatts or less) and large-scale (more than 100 kilowatts) grid-connected photovoltaic power generation projects in Hawaii that are "new sources" of "indigenously produced renewable energy" supplied to and purchased by Hawaiian Electric Company, Inc. ("HECO"), Maui Electric Company, Limited ("MECO") and Hawaii Electric Light Company, Inc. ("HELCO") (HECO, MECO and HELCO collectively the "Hawaiian Electric Companies"). Working for developers of projects that indigenously produce such renewable energy, Applicant has a property, financial and economic interest in the pending matter because Applicant will derive property, financial and economic benefits from the "increased development of alternative energy projects," the "dramatically" accelerated "addition of renewable energy from new sources," and the use of "a feed-in tariff to accelerate renewable energy development," as called for in the Energy Agreement among the State of Hawaii, Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs, and the Hawaiian Electric Companies (the "Agreement"), and from the supply of such renewable energy to the Hawaiian Electric Companies and the purchase of such renewable energy by the Hawaiian Electric Companies at a feed-in tariff rate as may be implemented by the Commission in the pending matter.

**(3) The Effect of the Pending Order as to the Applicant's Interest**

The pending order will have a direct and substantial effect on Applicant's property, financial and economic interest because the revenues derived from the purchase by the Hawaiian Electric Companies of renewable energy supplied to the Hawaiian Electric Companies by grid-connected photovoltaic power generation projects developed

by clients of the Applicant will depend on the feed-in tariffs that may be implemented by the Commission in the pending matter.

**(4) Other Means Available Whereby the Applicant's Interest May Be Protected**

Applicant has no means other than intervention in this proceeding for protecting Applicant's property, financial and economic interest with respect to the subject matter of this proceeding. There is no other forum in which the subject matter of this proceeding is pending. There is no other forum for the resolution of these issues in which Applicant's interest may be protected.

**(5) The Extent to Which the Applicant's Interest Will Not Be Represented by Existing Parties**

The named parties are HECO, HELCO, MECO and the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy. None of the named parties has the same interests as Applicant or may fairly represent Applicant because none of the named parties is, like Applicant, a consultant to developers of grid-connected photovoltaic power generation projects that supply indigenously produced renewable energy to the Hawaiian Electric Companies for purchase by the Hawaiian Electric Companies.

**(6) The Extent to Which the Applicant's Participation Can Assist in the Development of a Sound Record**

Applicant is a consultant to developers of small-scale (100 kilowatts or less) and large-scale (more than 100 kilowatts) grid-connected photovoltaic power generation projects in Hawaii that produce renewable energy supplied to and purchased by the Hawaiian Electric Companies. As a consultant to developers of such projects, Applicant possesses, by virtue of its officers and employees, the expertise, knowledge and

experience to assist the Commission, and can assist the Commission in the development of a sound record, by providing facts, fact-based opinions and fact-based conclusions regarding “the best design for feed-in tariffs that support the Hawaii Clean Energy Initiative,” including “such factors as categories of renewables, sizes or locational limits for projects qualifying for the feed-in tariff, how to manage and identify project development milestones relative to the queue of projects wishing to take the feed-in tariff terms, what annual limits should apply to the amount of renewables allowed to take the feed-in tariff terms, what factors to incorporate into the prices set for feed-in tariff payments, and the terms, conditions, and duration of the feed-in tariff that shall be offered to all qualifying renewable projects, and the continuing role of the Competitive Bidding Framework.” (Agreement, at 17)

Applicant has specific expertise, knowledge and experience likely to assist in the development of a sound record. Applicant’s chief executive officer, Chris Mentzel, is a native of Germany and has closely followed the installation, successful application and further development of the original feed-in tariff (EEG) in Germany. It is his intention to expose and explain the lessons learned in Germany to assist the Commission in the development of a sound record in this proceeding.

**(7) The Extent to Which the Applicant’s Participation Will Broaden the Issues or Delay the Proceeding**

Applicant’s participation will not broaden the issues or delay the proceeding.

**(8) The Extent to Which the Applicant’s Interest in the Proceeding Differs from That of the General Public**

Applicant’s interest in this proceeding differs from that of the general public because the general public and its members are not likely to be consultants to developers,

like Applicant, of small-scale (100 kilowatts or less) and large-scale (more than 100 kilowatts) grid-connected photovoltaic power generation projects in Hawaii that produce renewable energy supplied to and purchased by the Hawaiian Electric Companies.

(9) **Whether the Applicant's Position Is in Support of or in Opposition to the Relief Sought**

Applicant's position is in support of implementing feed-in tariffs in the Hawaiian Electric Companies' service territories.

\* \* \* \*

For the foregoing reasons, Applicant respectfully requests that the Public Utilities Commission grant Applicant's motion herein for intervention in Docket No. 2008-0273.

DATED: Honolulu, Hawaii, November 12, 2008

A handwritten signature in black ink, appearing to read "C. Mentzel", written over a horizontal line.

Chris Mentzel  
Chief Executive Officer  
Clean Energy Maui LLC

CERTIFICATE OF SERVICE

I hereby certify that I have this date filed and served the original and eight copies of the foregoing **MOTION FOR INTERVENTION OF CLEAN ENERGY MAUI LLC** in Docket No. 2008-0273, by postal delivery to the Commission at the following address:

CARLITO CALIBOSO  
PUBLIC UTILITIES COMMISSION  
465 S. King Street, Suite 103  
Honolulu, HI 96813

I hereby further certify that I have this date served two copies upon the first of the following parties, and one copy upon each of the remainder of the following parties, of the foregoing **MOTION FOR INTERVENTION OF CLEAN ENERGY MAUI LLC** in Docket No. 2008-0273, by causing such copies or copy thereof to be mailed, postage prepaid, and properly addressed to each such party as follows:

CATHERINE P. AWAKUNI  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
DIVISION OF CONSUMER ADVOCACY  
P.O. Box 541  
Honolulu, HI 96809

DARCY L. ENDO-MOTO  
VICE PRESIDENT  
GOVERNMENT & COMMUNITY AFFAIRS  
HAWAIIAN ELECTRIC COMPANY, INC.  
P.O. Box 2750  
Honolulu, HI 96840-0001

DEAN MATSUURA  
DIRECTOR, REGULATORY AFFAIRS  
HAWAIIAN ELECTRIC COMPANY, INC.  
P.O. Box 2750  
Honolulu, HI 96840-0001

JAY IGNACIO  
PRESIDENT  
HAWAII ELECTRIC LIGHT COMPANY, INC.  
P.O. Box 1027  
Hilo, HI 96721-1027

EDWARD L. REINHARDT  
PRESIDENT  
MAUI ELECTRIC COMPANY, LIMITED  
P.O. Box 398  
Kahului, HI 96733-6898

RANDALL J. HEE, P.E.  
PRESIDENT & CEO  
KAUAI ISLAND UTILITY COOPERATIVE  
4463 Pahe'e Street  
Lihue, HI 96766

DATED: Kihei, Hawaii, November 12, 2008

A handwritten signature in dark ink, appearing to read "C. Mentzel", is written over a horizontal line.

CHRIS MENTZEL